

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RECLAIM THE RECORDS and BROOKE
SCHEIER GANZ,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS,

Defendant.

18 Civ. 8449 (PAE)

**STIPULATION AND ORDER
OF DISMISSAL OF
PLAINTIFFS' CLAIM FOR
ATTORNEYS' FEES AND
COSTS**

WHEREAS, on or about September 17, 2018, Plaintiffs Reclaim the Records and Brooke Schreier Ganz ("Plaintiffs") filed this suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), seeking the release of certain records by defendant United States Department of Veterans Affairs (the "VA") in connection with a FOIA request submitted by Plaintiff to the VA on or about September 20, 2017 (the "FOIA Requests");

WHEREAS, on March 24, 2020, the Court resolved the parties' cross-motions for summary judgment in an Opinion and Order (the "Order"), *see* Dkt. No. 39;

WHEREAS, the parties have agreed upon a methodology to be applied by the VA in complying with the Order, and submitted that proposed methodology for Court approval *see* Dkt. No. 49,

WHEREAS, the parties also wish to resolve Plaintiffs' claims for attorney's fees and costs consensually without further litigation;

WHEREAS, IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows:

1. After the Court has approved and docketed this Stipulation and Order, the VA

shall pay to Plaintiffs via electronic funds transfer the sum of twenty-five thousand dollars (\$25,000) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiffs agree to accept in complete satisfaction of any and all claims by Plaintiffs for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. Counsel for Plaintiffs will provide the necessary information for the VA to effectuate payment.

2. Plaintiffs' claims for attorneys' fees and litigation costs are dismissed with prejudice.

3. This Stipulation and Order shall not constitute an admission by the VA that Plaintiffs are entitled to any attorneys' fees or litigation costs.

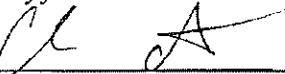
4. The parties agree that this Stipulation and Order will not be used as evidence or otherwise in any pending or future civil or administrative action against the VA, the United States, or any agency or instrumentality of the United States.

5. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

6. Any obligation of the Government to expend funds under this Stipulation and Order is subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Stipulation and Order shall not be construed to require the Government to obligate or pay funds in contravention of the Anti-Deficiency Act.

Dated: New York, NY
March 8, 2022

DAMIAN WILLIAMS
United States Attorney for the Southern
District of New York


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Attorneys for the Plaintiffs

SO ORDERED:


HONORABLE PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

March 9, 2022